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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,381	08/18/1999	KHAI HEE KWAN		6446

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EXAMINER
CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

		Application No.	Applicant(s)
Office Action Summary		09/376,381	KHAI HEE KWAN
		Examiner	**Art Unit**
		Debra F. Charles	3628

-- The MAILING DATE of this communication appears on the cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>13 March 2002</u> .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>29-54</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>29-54</u> is/are rejected.

7) ☒ Claim(s) <u>37 and 46</u> is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

　　If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　　1. ☐ Certified copies of the priority documents have been received.

　　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

　　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

　　a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒	Notice of References Cited (PTO-892)		4) ☐	Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐	Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐	Notice of Informal Patent Application (PTO-152)
3) ☐	Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐	Other: .

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)　　　　　　　　　　　　Office Action Summary　　　　　　　　　　　Part of Paper No. 14

DETAILED ACTION

Response to Amendment

1.   Claims 1-28 have been canceled. Claims 29-54 have been added.

Response to Arguments

2.   Applicant's arguments with respect to claims 29-54 have been considered but are moot in view of the new ground(s) of rejection.

3.   In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, references dealing with options, shipping, transportation and risk management would all cover the issues the applicant raised in the claims.

4.   In response to applicant's argument that Walker is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, airline tickets de facto reserve a place on a plane for a future trip and the parallel is relevant to the applicant's claimed invention.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 29-54 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification as originally filed, does not provide support for the invention as is now claimed, i.e. the specification (page 4) discusses managing freight fees and determining an appropriate price for options (page 9, lines 1-4) and

claim 29 discusses managing cargo space risk, calculating an option fee which would be the fee charged to establish the option itself, and terms of a contract. The phrase "planning criteria" and the database update, delete, insert, select, match, identify, filter functionalities appear in the claim 29, but not in the specification. In claim 37, the equation is for cargo option fee, but on page 21 of the specification, the equation is for option price for air-cargo example and the parameters are different. The Base Price equation does not appear in the specification at all. The specification and claims must mirror each other in claiming the exact same invention to same degree of detail. For claim 32, the specification does not discuss a cargo option fee contract satisfying a fixed route and a final price and offering it. For claim 33, the specification does not discuss managing cargo space risk. For claim 38, the specification does not discuss cargo space risk and price risk as an option fee. For claim 39, the specification does not discuss option fee or providing a fee schedule. For claim 47, the specification does not discuss calculating base price and standard deviation of freight prices. For claim 49, the specification does not discuss pricing and option fee. For claim 52, the specification does not discuss determining a fee for an option contract.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 32, 39, 40, 42, 43, 52 and 53 are rejected under 35 U.S.C. 102(e) as

being anticipated by Walker et al.(6085169).

Re claim 32: Walker et al. disclose a method of electronically pricing a cargo option fee contract satisfying a fixed route and a final price and offering it, the method comprising the steps of querying cargo price for a fixed route and type of cargo(Abstract, col. 5, lines 20-30);

receiving the cargo price for a fixed route and type of cargo from central controller(col. 6, lines 20-67, col. 7, lines 40-67);

inputting final price payable, destination of cargo, arrival date of cargo, departure date, departure location, flexibility of arrival date, type of cargo, and route criteria to a central controller through a plurality of terminal devices, collectively known as shipping information via a terminal over a network by user(col. 6, lines 20-40, 55-67);

querying service provider's cargo system based on above shipping information by user(col. 8, lines 25-36);

finding service provider's cargo system that accepts the user's shipping information where each cargo system have their own pre-set determination criteria such as but not limited to the minimum base price, acceptable weather conditions at departure and arrival points and dates based on flexibility factor, availability of cargo space on transporter for the type of cargo for the route in question that satisfy said user's information(col. 7, lines 45-67, col.12, lines 20-40, 55-65);

on acceptance, cargo system responding with cargo information such as the loading capacity of the chosen transporter, type of selected transporter, historical demand rate for this type of cargo space, the standard deviation of the freight price for this particular route, the forecasted weather on this particular route, timing of holiday period for date of departure, number of weeks before selected departure date(s), collectively known as cargo information over a network(col. 7, line 55-67, col. 8, line 60-67);

sending the cargo information and base price to the central controller from each cargo system wishing to respond to the user's request(col. 7, lines 55-67)

combining the shipping information from said user, base price and cargo information from responding service provider's cargo system and determining the number of cargo providers competing in this request (s)(Fig. 1, col. 5, lines 20-30);

executing a program to calculate the fee based on different departure dates where available, one or more electronic option contract that gives the customer the contractual right to secure within a future period said period equal or less to the period before the selected departure date, the underlying cargo shipping services for a particular route, for a particular service provider and final price which satisfied the shipping information(col. 6, lines 30-65);

outputting the cargo option fee or fees and corresponding option contract from each responding cargo service provider to await user's response where such offers are open for a predetermined period(col. 7, lines 55-67).

Re claim 39: Walker et al. (6085169) receiving cargo shipping information from user in view of securing the services for the particular route(Abstract, col.3, lines 40-60);

sending said information to service providers' cargo systems(col. 3, lines 20-67);

querying said information for suitability by connected cargo systems(col. 5, line 30-55, col. 6, line 20-55, col. 8, lines 25-35);

receiving inputs from provider's cargo systems which satisfy cargo shipping information and agreeable to provide such a service(col. 3, lines 20-67);

determining the number of responding cargo systems and calculating the option fee contract that gives the customer the contractual right to secure within a future period said period equal or less to the period before the selected departure date, the underlying cargo shipping services for a particular route, for a particular service provider and final price which satisfied the shipping information above(col. 2, line 35-col. 3, line 10).

Re claim 40: Walker et al. (6085169) disclose wherein the step of receiving a query on the cargo fee for a fixed route and type of cargo from user(col. 7, lines 55-67);

receiving cargo shipping requirements information includes final price payable, destination of cargo, arrival date of cargo, departure location, departure date, flexibility of arrival date, type of cargo and route criteria provided by a registered user(col. 7, lines 55-67);

querying the above data with at least a carrier cargo system where cargo system calculates the base price from final price payable, weighted average cost of capital of service provider, time period to provide service, current cargo service cost for a selected route, satisfactory arrival date of cargo depending on flexibility factor, availability of transporter satisfying arrival and departure date(s), acceptable weather conditions for departure and arrival date(s)(col. 11, lines 35-55); and

provided said queried data are acceptable to cargo system, said system receive cargo information includes current loading capacity of a chosen transporter, historical demand for this type of cargo space, the base price, acceptable weather data on chosen departure and arrival date(s), data on the departure date may coincidence with any public holiday or weekends, the type of transporter selected on this route, the number of weeks to selected departure dates to central controller, and at central controller(col. 12, lines 20-40),

Walker et al. (6085169) do not explicitly disclose calculating the current standard deviation of cargo prices up to request time for this service route, and determining the number of cargo systems that actually responded in order to calculate the option fee. However, in col. 7, lines 4-5, Walker et al. disclose standard deviation. Thus, it would have been within the level of ordinary skill in the art to modify the method of Walker et al. (6085169) by adopting the teachings of Walker et al. to ensure appropriate variances are used in calculating the option fee. Further, it would be obvious to determine the number of service providers willing to provide the service using standard airline reservation services.

Re claim 42: Walker et al. (6085169) disclose further comprising the steps of receiving an indication that a user has purchased or sold the option contract; updating a customer

database to record the sale or purchase of the option contract and posting details to a transaction database accessible by all users(Col. 7, lines 45-67).

Re claim 43: Walker et al. (6085169) disclose further comprising the step of receiving a user request for information on cargo pricing; providing such information for a fixed route and type of cargo(Abstract, Col. 7, lines 55-67, col. 8, lines 15-35);

receiving a user's request in the form of shipping information to purchase a cargo option contract(Abstract);

querying the connected cargo systems for interest in the user's request(col. 8, lines 25-35,col. 19, lines 5-10);

receiving responses if any from cargo systems via central controller with a range of prices for contracts closely matching shipping information(col. 18, lines 5-18);

scanning for any other ready seller matching at that price or lower in open database(col. 20, lines 5-30);

receiving acceptance of the selected price of the option contract (s) from the user, checking for acceptance of the transaction again with seller(col. 7, lines 50-67),

displaying the full option contract for user to agree at user's terminal(col. 8, lines 35-50);

upon agreement, performing a payment transaction through a nominated bank account by electronic instructions connected to the bank(col. 9, lines 49-65);

storing information regarding said contract until expiry or settled which ever is first in the contracted parties respective accounts(col. 8, lines 25-50); and

posting the details to a transaction database which is accessible by all users over the network(col. 9, lines 40-65).

Re claim 52: Walker et al. (6085169) disclose a network system for originating, selling a option contract to secure a particular cargo service at a particular final price for a particular route within a fixed period over a network, comprising: having a plurality of terminal devices means to communicate with a central controller, having said central controller using a communication means to provide tentative cargo pricing and last done prices to terminal devices based on such a request; having said central controller using a communication means to communicate with a plurality of cargo systems with shipping information from said terminal devices, to receive data from cargo systems and to determine a fee for a option contract to secure a freight cargo services within a future date; wherein said central controller linking and querying each cargo systems with said user's shipping information determining the number of cargo system responses, said responsive cargo system is adapted means to respond by transmitting to central controller the current price and cargo information factors relating to such as current loading capacity of a chosen transporter, historical

demand for this type of cargo space, the current standard deviation of freight cargo prices up to request time for this service route, acceptable weather data on chosen departure and arrival date(s), data on coincidence of departure date with any public holiday or weekends, the type of selected transporter on this route, final price payable by user, weighted average cost of capital of service provider; and wherein said user terminal device to transmit to the central controller shipping information comprising the final price payable, destination of cargo, arrival date of cargo, departure date, departure location, flexibility of arrival date, type of cargo, and route criteria;   having said user terminal device to receive from the central controller the option fee(s) as calculated from said data, from at least one service provider or other users with option contracts listed for sale satisfying user's inputs(col. 8, lines 60-col. 9, line 6).

Re claim 53: Walker et al. (6085169) disclose having said terminal device is adapted to transmit a user request to purchase the selected option contract; having said central controller to confirm with seller offering the selected contract;   having said central controller displaying the complete option contract for agreement or rejection by user,   upon agreement, having said central controller to perform a payment transaction by debiting the bank account of the user and crediting the bank account of the seller cargo service provider; and   having said terminal device adapted to transmit a user request to settle the option contract according to the terms of option contract by performing a final payment transaction by debiting the bank account of the user and crediting the bank account of the seller cargo service provider(Abstract, col. 10, lines 5-25).

8.   Claims 33-35, 47-49 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al.(5797127 A).

Re claim 33: Walker et al. disclose having an user input cargo shipping information(Fig. 4, col. 5, lines 39-42, 58-65);

having said CPU and memory means receive shipping information from user and cargo information from cargo system(col. 8, lines 60-67); and

having said CPU and memory means electronically calculate a option fee contract that gives the customer the contractual right to secure within a future period said period equal or less to the period before the selected departure date, the underlying cargo shipping services for a particular route, for a particular service provider and final price which satisfied the shipping information.

Walker et al. do not explicitly disclose having service provider's cargo system provide cargo information upon determining suitability of such input by user as transmitted by central controller; having a CPU in service provider's cargo system; having a memory in cargo system means connected to said CPU, said memory means containing a program adapted to be executed by said CPU; having said CPU and memory in cargo system

means to calculate the base price and determining suitability of said base price and the shipping information inputted by user, and means to response cargo information to central controller if suitability is acceptable.

However, in Abstract, col. 7, lines 55-67,col. 8, lines 15-50, col. 9, lines 5-50, Walker et al. (6085169) disclose the airline system's computer that accepts the CPO from the customer and the provider's computer system has a CPU, memory and program to calculate price. Thus, it would have been within the level of ordinary skill in the art to modify the method of Walker et al. by adopting the teachings of Walker et al. (6085169) to obtain price and shipping information from the shipping system.

Re claim 34: Walker et al. disclose wherein said information is inputted and transmitted over a network(Fig. 1).

Re claims 35: Walker et al. wherein said cargo system receives information includes first information describing final price payable, second information describing destination of cargo, third information describing arrival date of cargo, fourth information describing the flexibility of arrival date, fifth information describing the type of cargo, sixth information describing the departure date of cargo, seventh information describing the departure location, eighth information describing the route criteria from user wherein said program in cargo system is further means to use at least one of said first information, said second information, said third information, said fourth information, said fifth information, said sixth information, said seventh information, said eighth information to calculate base price(Abstract, col. 3,lines35-37, col. 5, lines 41-67, col. 6, lines 40-67, col. 7, lines 1-26,54-56) determine planning, and commercial suitability; and

wherein said central controller receives information includes first information describing a number of weeks before departure, second information concerning the historical demand of this type of cargo space, and third information concerning the standard deviation of the freight prices of the said route, and fourth information on the current price, and fifth information on the flexibility of the cargo arrival date, sixth information on the loading capacity of the transporter at the time of query, seventh information on the predicted weather prevailing on the date of departure and arrival, eighth information on the timing of the transporter, ninth information on the type of cargo, tenth information on the type of transporter selected, eleventh information on the number of competition, twelfth information on the final price payable, thirteenth information on weighted average cost of capital of service provider and wherein said program in central controller is further means to use at least one of said first information, said second *information,* said third information, said fourth information, said fifth information, said sixth information, said seventh information, said eighth information, said ninth information, said tenth information, said eleventh information, said twelfth information, said thirteenth information to calculate the cargo service option fee(Abstract, col. 3,lines35-37, col. 5, lines 41-67, col. 6, lines 40-67, col. 7, lines 1-26,54-56).

Re claims 47 and 48: Walker et al.(6085169) disclose computer executable program at the cargo system with steps operative to control a computer, receive input from central

controller, stored all inputs on a computer readable medium for determining logistic and commercial suitability of user's shipping information, calculating base price to determine acceptability, calculating standard deviation of freight prices for the selected route, responding to central controller with cargo information over a network comprising(Abstract);

a step of receiving final price payable, destination of cargo, arrival date of cargo, departure date, departure location, flexibility of arrival date, type of cargo, and route criteria, collectively known as user's shipping information via central controller from user(col. 3, lines 40-60);

a step of discovering suitability of user's request at a cargo system involving(col. 3, lines 40-60);

a step of calculating base price and to determine commercial suitability based on date(s), transporter and space availability; a step of checking availability of transporter on various dates within the limits of user's flexibility factor at cargo system(col. 16, lines 5-20);

a step of confirming or rejecting suitability and availability of departure dates at cargo system based on arrival dates flexibility requirements(col.15, lines 35-50);

where cargo system determine to response includes steps for;
selecting a transporter on selected date(s)checking historical demand factor for type of cargo space on the requested route and to send this data to central controller, sending the base price from cargo system to central controller(col. 12, lines 10-20, 42-65);

calculating the number of weeks before departure date(s) assigned by cargo system and send this data to central controller, checking the loading capacity of the transporter and send this data to central controller;
calculating the standard deviation of the freight cargo prices and send this data to central controller; assumes the weather conditions for both departure and arrival date(s) and sent this data to central controller(Abstract);

check the timing of the departure date to see if its within holiday, peak seasons or otherwise and sent this data to central controller(col. 15, lines 5-17,col. 16, lines 5-40);

where cargo system determine to reject request includes steps for;
response with rejection data to central controller; where a user decides to take up cargo system's *offer* includes the steps for, checking the availability and requirements of the initial offer again respond to central controller either in confirmation or no(col. 17, lines 15-50);

where a user decides to settle option contract, service provider of cargo system includes steps for; cargo system to change status from booked to sold of the contracted service in its database upon confirmation by central controller confirming payment has

been made to service provider's account for the purpose of settlement of this contract cargo service(col. 19, lines 35-55).

Walker et al. do not explicitly disclose a step of confirming suitability of weather conditions based on various dates within the limits of user's flexibility factor at cargo system. However, it would be obvious to use weather conditions as a suitability factor in cargo pricing system since weather conditions clearly directly affect the availability of transportation.

Re claim 49: Walker et al. disclose a method of electronically pricing a option fee, originating and purchasing a option contract from at least one cargo service provider for a cargo freight route over a network, comprising the steps of checking cargo fee by providing route and type of cargo to central controller(Abstract, col. 2, lines 19-47);

receiving selected tentative cargo fee including last done price from central controller; inquiring the option fee by providing shipping information to a plurality of cargo systems via central controller over a network by user; calculate base price at cargo system(col. 6, lines 5-40);

determining suitability of shipping information by cargo systems;
sending cargo information to central controller by cargo systems;
calculating option fee(s) at central controller, receiving said option fee(s) through central controller from responsive cargo system over a network (Fig. 1,col. 6, lines 15-16) ;

receiving an offer to purchase the option contract satisfying said shipping information over a network; conforming with seller on the selected option contract again; displaying the option contract for agreement or rejection by user; upon agreement, purchasing said contract at said option fee; initiating payment instructions to respective banking accounts;   · updating both buyer and seller accounts; and updating transaction database where data is available to other users(Abstract, col. 5, lines 1-15, col. 7, lines 35-65).

Re claim 51: Walker et al. disclose wherein said step of checking cargo fee and inquiring on option fee includes providing shipping information such as final price payable, destination of cargo, arrival date of cargo, departure date, departure location, flexibility of arrival date, type of cargo, and route criteria or ranges of said in searchable format over the network via a terminal device(Abstract, col. 5, lines 41-64, col. 6, lines 40-67, col. 7, 1-26).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Walker et al. (5797127 A), Powers (5956691 A), and Lei et al. (6487552 A).

Re claim 29: Walker et al. disclose a data processing apparatus for cargo service providers to manage cargo space risk in an interactive electronic exchange between registered users and cargo service providers by electronically pricing said risk as an option fee in accordance to the terms of a contract to secure the underlying cargo service at a pre-agreed final price within a pre-agreed future period, said priced contracts may be sold, bought and settled comprising(Abstract, col. 1, lines 40-67, col. 2, lines 1-9,col. 4, lines 1-5,53-60):

a central controller including a CPU, database and a memory operatively connected to said CPU; at least one service provider's cargo system including a CPU, database and a memory operatively connected to said CPU, said cargo system adapted for communicating with said central controller over a network(col. 4, lines 16-67);

wherein cargo system is connected to information including but not limited to cargo prices, customer information, route criteria, cargo space availability, cargo space sold, electronic option contracts with respective terms, transporter schedule, loading capacity, type of cargo, type of transporter and planning criteria(Abstract, col. 5, lines 41-64, col. 6, lines 40-67, col. 7, 1-26),

said memory in said cargo system containing a program means for calculating, selecting, planning and responding adapted to be executed by said cargo system's CPU(col. 4, lines 53-60);

a plurality of terminal devices, adapted for communicating with said central controller, for transmitting to said central controller cargo shipping information including but not limited to final price payable, destination of cargo, arrival date of cargo, flexibility of arrival date, type of cargo, departure date, departure location and route criteria over a network(Abstract, col. 3, lines 35-37,col. 4, lines 53-60, col. 5, lines 41-67, col. 6, lines 40-67, col. 7, lines 1-26,54-56);

wherein said cargo system calculating means uses final price payable, weighted average cost of capital of service provider, time period to provide service, current cargo service cost for a selected route to determine the base price, calculating standard deviation(col. 7, line 22) of cargo service price(Abstract, col. 3, lines 35-37, col. 5, lines 41-67, col. 6, lines 40-67, col. 7, lines 1-26, 54-56);

wherein said cargo system selecting means uses destination of cargo, arrival date of cargo, flexibility of arrival date, type of cargo, departure date, departure location, weather conditions, loading capacity, demand for this type of cargo space, timing issues and route criteria to determine availability of service(Abstract, col. 3, lines 35-37,col. 4, lines 53-60, col. 5, lines 41-67, col. 6, lines 40-67, col. 7, lines 1-26,54-56);

wherein said cargo system planning means uses said selection and said base price to determine commercial suitability(col. 6, lines 27-65);

wherein planning criteria is acceptable said cargo system responding means to provide cargo information to central controller for further acceptance(col. 7, lines 25-55);

said memory in said central controller containing a program, adapted to be executed by said CPU(col. 4, lines 53-60);

wherein said central controller calculating means uses current price as determined by cargo system, current loading capacity of a chosen transporter, historical demand for this type of cargo space, the standard deviation of cargo prices up to request time for this service route, acceptable weather data on chosen departure and arrival date(s), data on coincidence of departure date with any public holiday or weekends, the type of transporter selected on this route and number of weeks before departure date, weighted average cost of capital as provided by responsive cargo system also collectively known as cargo information, flexibility factor and type of cargo, final price payable as provided by user and number of competition on the same route as determined by the number of responsive cargo systems(Abstract, col. 3, lines 35-37, col. 5, lines 41-67, col. 6, lines 40-67, col. 7, lines 1-26, 54-56);

wherein said central controller is connected to at least one service providers' cargo systems through a connecting means over a network(col. 4, lines 27-34,59);

wherein said central controller receives said shipping information criteria from said terminal and uses said criteria to query service provider's cargo system over a network(col. 4, lines 53-60, col. 7, lines 5-25);

wherein said central controller receives cargo information from said cargo system having satisfies planning criteria in said system and matches said user's shipping information criteria over a network(col. 7, lines 5-25);

wherein said central controller is connected to . . . but not limited to users account information, including past transaction records of any sale and purchase of option contracts and commitment terms, cargo prices, personal details including banking accounts, transaction amounts, watch list according to route, type of cargo, transporter, departure destination, arrival destination, alert conditions(col. 2, lines 44-60, col. 5, lines 50-65).

Walker et al. does not explicitly disclose(s) means to display with a graphic user interface and means to offer priced option contracts and cargo service request which are posted for sale and bids are placed to attract buyers/sellers for a predetermined period,

a database having means to update, delete, insert, search, select, match, identify, filter; searching means to search by means of stored conditions or by alert conditions set by user, in said database; or that

said accounts are protected by passwords and login sequence.

However, in Abstract, Figs. 1-25, col. 3, lines 55-67 thereof, Powers disclose(s) a dynamic display system that changes to reflect newly entered data. Further, in Abstract, col. 7, lines 5-15,col. 8, lines 45-55,col. 9, lines 20-35, col. 15, lines 10-25,Lei et al. disclose a relational database management system (DBMS) that performs update, delete, insert, search, select, match, identify, filter; and a password protection and a login sequence. Thus, it would have been within the level of ordinary skill in the art to modify the method of Walker et al. by adopting the teachings of Powers and Lei et al. to obtain an effective way of displaying and manipulating data.

Re claim 30: Walker et al. disclose said program in said central controller's memory means to receive a user request input via said terminal device to purchase or sell or settle the option contracts, search other contracts, offer for sale, *offer* to buy, means to redirect the selected *offer* back to the seller for final confirmation and further means to perform a payment transaction through a nominated bank account to sell or buy the contracts for the registered user and settled the same for provider or counterparty of said contracts(col. 3, lines 50-65, col. 5, lines 25-col. 6, lines 1-10).

Re claim 31: Walker et al. disclose said program in said memory means to receive a registered user request input via said terminal device to settle a cargo option contract and further means to perform a payment transaction through a nominated bank account to pay service provider the final price payable for the contract to secure the underlying contracted cargo services in accordance with the terms of the contract and further means to update both registered user's and service provider's accounts in the database(col. 3, lines 50-65, col. 5, lines 25-col. 6, lines 1-10,col. 8, lines 1-20).

11.   Claims 36, 38, 41,44, 45, 50 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (5797127 A) and Walker et al. (6085169 A).

Re claim 36: Walker et al. '127 does not explicitly disclose(s) disclose wherein said computer program in said memory in central controller means updates a database to record the information of the relevant contractual parties in their respective accounts and said computer program in said memory in cargo system means to update a database to reserve cargo space pending settlement of option contract, loading capacity of chosen transporter, on the selected route and date(s).

However, in col. 13, lines 60-col. 18, line 61 thereof, Walker et al. '169 disclose(s) various database functions within the airline system. Thus, it would have been within the level of ordinary skill in the art to modify the method of Walker et al. by adopting the teachings of Walker et al.(6085169) to obtain full database functionality in the price system to update a database and keep the pricing factors current.

Re claim 38: Walker et al. '127 disclose a method of quantifying cargo space risk by electronically pricing said risk as a option fee to purchase an electronic option contract to be offered to buyers, the method comprising the steps of using a central controller having a CPU and memory means(Abstract, col. 2, lines 19-47);

inputting departure date, arrival date, destination, departure location and final price payable(Abstract, col. 5, lines 39-65);

inputting type of cargo and flexibility of arrival date and route criteria information provided by a user(col. 3, lines 1-50);

Walker et al. '127 do not explicitly disclose querying a plurality of carrier cargo systems based on user's input;

having the provider's cargo system check the acceptability of the base price as calculated from the final price payable, weighted average cost of capital, time to provide service and current cost of cargo services, check the available departure dates satisfying arrival dates linking to the transporters, check the type of transporter available on this route, if available select a transporter based on type of cargo criteria provider by user, check on load capacity of the chosen transporter, check on cargo space availability on the chosen transporter, historical demand for this type of cargo space, calculates the standard deviation of cargo prices up to current time for this route, check the predicted weather on selected departure date(s) and arrival date(s), check whether the departure date may coincidence with any public holiday or weekends, calculates the number of weeks to departure date(s) and;

for each different departure date(s) available calculating the option fee contract that gives the customer the contractual right to secure within a future period said period equal or less to the period before the selected departure date, the underlying cargo shipping services for a particular route, for a particular service provider and final price which satisfied the shipping information and the cargo information provided by corresponding cargo system by having the CPU execute said program.

However, in col. 2, lines 35-65, col. 3, lines 1-20, col. 7, lines 40-67 thereof, Walker et al. '169 disclose(s) multiple carriers, multiple pricing factors and varying departure dates for the CPO. Thus, it would have been within the level of ordinary skill in the art to modify the method of Walker et al. by adopting the teachings of Walker et al. (6085169) to ensure the option contract reflects the flexibility in pricing based on numerous factors.

None of Walker et al.'127 and Walker et al. '169 disclose outputting the option fee to the user and update the database where said option contract is available for predetermined

period to other users if not selected by first user. However, Walker et al. '127 and Walker et al. '169 disclose various airline reservation systems that post ticket prices and seating capacity. Thus, it would have been obvious to one with an ordinary level of skill in the art to make the option contract available to other users to get the benefit of selling the ticket and eliminating excess capacity.

Re claims 41: Walker et al. '127 wherein said cargo system receives information includes first information describing final price payable, second information describing destination of cargo, third information describing arrival date of cargo, fourth information describing the flexibility of arrival date, fifth information describing the type of cargo, sixth information describing the departure date of cargo, seventh information describing the departure location, eighth information describing the route criteria from user wherein said program in cargo system is further means to use at least one of said first information, said second information, said third information, said fourth information, said fifth information, said sixth information, said seventh information, said eighth information to calculate base price(Abstract, col. 3,lines35-37, col. 5, lines 41-67, col. 6, lines 40-67, col. 7, lines 1-26,54-56) determine planning, and commercial suitability; and

wherein said central controller receives information includes first information describing a number of weeks before departure, second information concerning the historical demand of this type of cargo space, and third information concerning the standard deviation of the freight prices of the said route, and fourth information on the current price, and fifth information on the flexibility of the cargo arrival date, sixth information on the loading capacity of the transporter at the time of query, seventh information on the predicted weather prevailing on the date of departure and arrival, eighth information on the timing of the transporter, ninth information on the type of cargo, tenth information on the type of transporter selected, eleventh information on the number of competition, twelfth information on the final price payable, thirteenth information on weighted average cost of capital of service provider and wherein said program in central controller is further means to use at least one of said first information, said second *information,* said third information, said fourth information, said fifth information, said sixth information, said seventh information, said eighth information, said ninth information, said tenth information, said eleventh information, said twelfth information, said thirteenth information to calculate the cargo service option fee(Abstract, col. 3,lines35-37, col. 5, lines 41-67, col. 6, lines 40-67, col. 7, lines 1-26,54-56).

Re claim 44: Walker et al. '127 disclose wherein the step of receiving shipping information includes receiving the range of possible dates of departure, destination, departure location, dates of arrival, range of possible settlement price or final price payable, type of cargo and flexibility of arrival dates for this route criteria, range of option fee acceptable and a selection of service providers(col. 3, line 20-50, col. 5, lines 40-col. 6, line 10).

Re claim 45: Walker et al. '127 disclose further comprising the steps of receiving a user's request to settle user's option contract(col. 7, lines 25-45);

displaying the requested option contract with a selection for either to pay final price or cancel at user's terminal(col. 5, lines 10-25);

receiving user's agreement to settle the final price at user's terminal(col. 7, lines 25-45);

performing a payment transaction to pay the final price to the service provider responsible for providing the cargo service(col. 7, lines 40-50);

updating the database to reflect the settled cargo service in both the said user's and service provider's accounts(col. 7, lines 50-65); and

posting details to a transaction database which is accessible to all users over the network(col. 4, lines 1-15, i.e. standard airline reservation systems post price and seat capacity so all those making reservations can see what has been taken and what remains).

Re claim 50: Walker et al. '127 disclose further including the step of using said option contract to settle final payment to secure the freight cargo service with the particular cargo service provider(Abstract, col. 3, lines 40-60).

Re claim 54: Walker et al. '127 disclose having a user sell existing option contracts with attached terms and conditions by listing them in database(col. 13, line 60-col. 18, line 60);

having a buyer select the option contract(s) and confirm selection(col. 3, lines 40-60);

displaying the complete option contract for agreement or rejection by user(col. 3, lines 40-60);

upon agreement, performing payment transaction to credit the payment from the sell of the said contracts and debit the account of the buyer(col. 9, lines 50-65),

updating all the entries by assigning the seller's contractual rights to the new buyer(col. 13, line 60-col. 18, line 60);

notifying the cargo service provider(col. 7, lines 55-67);

updating the database for seller, new buyer and service provider's accounts to reflect the changed in ownership and mutual obligations(col. 13, line 60-col. 18, line 60);

updating the transaction database with the details accessible by all users online; and having said central controller receiving a fee for its services from the service provider(col. 13, line 60-col. 18, line 60).

Allowable Subject Matter

12. Claims 37 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Hyung Sough
SPE
Art Unit 3628

dfc
June 13, 2003

HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600